

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. No.:	10/603,581	§	TC/A.U.:	2157
FILED:	24 June 2003	§	EXAMINER:	Meky, Moustafa M
IN RE:	Gould et al.	§	CUSTOMER ID.:	37141 & 58417
		§	ATTY DOCK No.:	MNKYP004
TITLE: METHOD AND STORAGE DEVICE FOR EXPANDING AND CONTRACTING CONTINUOUS PLAY MEDIA SEAMLESSLY				



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

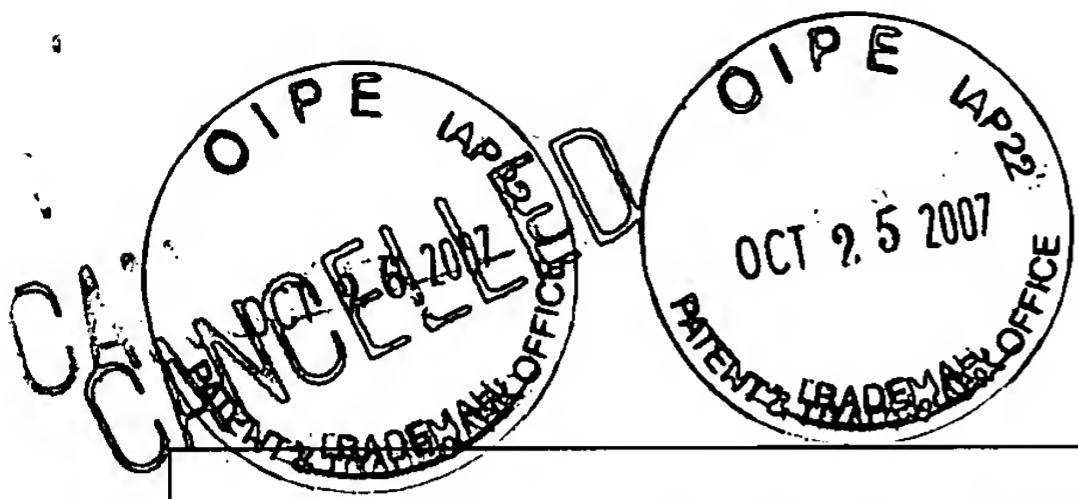
TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Dear Commissioner:

Non-Statutory Obviousness-Type Double Patenting Disclaimer

MONKEYmedia Inc., the owner of One Hundred percent (100%) interest in the instant application hereby disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior United States Patent No. **6,615,270** as the term of said prior patent is defined in 35 U.S.C. §§154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of



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IN RE:	Gould et al.	§	CUSTOMER ID.:	37141 & 58417
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**RESPONSE
TO OFFICE ACTION WITH TERMINAL DISCLAIMER**

Commissioner:

This filing is made responsive to an Office Action dated June 15, 2006.

RESPONSE

In the 15 June 2006 Office Action, the Examiner rejects pending claims 20-107 under the judicially created non-statutory doctrine of “obviousness-type double patenting based on US Patent No. 6,615,270 to the Applicant.

Reconsideration of the Examiner’s rejections is respectfully requested.

“Double Patenting” rejections

The applicant’s respectfully request reconsideration of the Examiner’s Rejection of Claims 20-107 under the nonstatutory, judicially created doctrine of obviousness-type double patenting - specifically, the rejection with respect to US Patent No. 6,615,270. Applicant makes no admissions as the propriety of the rejection and provisional rejection. However, the applicant traverse this rejections in the present continuation application by

Atty. Docket No.: KNGT001US1
Customer ID No.: 000058417
Appl. No.: US11/121,595

RESPONSE

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submission of the attached Terminal Disclaimer under 37 CFR §1.321 with regard to US Patent No. 6,615,270.

* * *

The applicant believes that the foregoing fully responds to all outstanding matters, respectfully submits that all remaining claims are in condition for allowance, and respectfully requests that a timely Notice of Allowance be issued so the present application may swiftly pass to issuance.

Should the Examiner have any questions or desire clarification of any sort, or if it would facilitate a fair and efficient favorable disposition the Examiner is invited to telephone the undersigned at the number listed below to schedule a telephone conference to discuss the application. Please reference Attorney Docket No. MNKYP004B.

RESPECTFULLY SUBMITTED,

G2 TECHNOLOGY LAW
HEINZ GRETHON PC



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Date: 25 October 2007